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December 28, 2009

VIA ECF FILING

Judge Ricardo S. Martinez
United States District Court
Western District of Washington at Seattle

Re: *Bowers v. Kletke*
USDC Cause No. C08-1768RSM

Dear Judge Martinez:

This letter is in followup to the voice mail message that I left on Monday afternoon, December 28, 2009 for the deputy clerk, Lowell Williams or Laurie Cuaresma. The purpose of my call was to request a telephone conference with the court for the purpose of discussing the January 5, 2010, deadline for reports from expert witnesses under FRCP 26(a)(2). Counsel for the plaintiff, Gregory P. Cavagnaro, stated that he would be available tomorrow afternoon, December 29, 2009.

I spoke with Mr. Cavagnaro today concerning the plaintiff's answer to defendants' Interrogatory No. 5 concerning expert witnesses. I was told by Mr. Cavagnaro that his answer that states, "no expert witness has been retained at this time," is technically correct. He said that he planned on meeting with a potential expert witness sometime this week.

The defendants would request relief from the upcoming deadline on account of the plaintiff's failure to provide us with any disclosure concerning her expert witness(s). Thank you for your attention to this matter.

Sincerely,

Gregory J. Murphy

cc: Gregory P. Cavagnaro via ECF only
Robin Kletke
Robin Cohen